IN THE

Supreme Court of the United States

OCTOBER TERM, 1979

No. 78-959

VINCENT R. PERRIN, JR.,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

REPLY BRIEF

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Summary of Argument

The crux of the argument presented by the United States may be simply stated: the Travel Act uses the term "bribery" in a "generic" sense which encompasses commercial bribery. The Government's argument in support of this proposition is flawed in every step.

1. Contrary to the Government's position articulated at pages 21-28 of Respondent's brief, the accepted legal usage of the term bribery, both today and at the date of enactment, encompassed only gifts of money or of other benefits to corrupt persons holding public office or, more recently, charged with a public trust. This usage can be traced from the common law origins of the crime in Lord Coke's time

through the Congressional pattern of usage of the term in various statutes, through the interpretation of these statutes by the federal judiciary and through the usage of the term in the vast majority of states.

2. *United States* v. *Nardello*, 393 U.S. 286 (1969), is, contrary to the position of the Government, Respondent's brief at pp. 32-36, completely consistent with defining bribery as dealing with the corruption of persons charged with a public trust. *Nardello* decided that, for purposes of the Travel Act, 18 U.S.C. § 1952, the term "extortion" encompassed both common law extortion which made criminal corrupt acts by public officials and common law blackmail which made criminal similar acts by private persons. In *Nardello*, however, this Court relied on the fact that the states and the Congress had long assimilated the two crimes of extortion and blackmail into one. Unlike the assimilation of these crimes, bribery and commercial bribery have consistently been distinguished by Congress and the states. The rationale of the *Nardello* decision requires that we interpret bribery in the Travel Act solely as an offer of money or other benefit to *a person charged with a public trust.*

3. While the legislative history of the Travel Act is not unambiguous, it does evidence a Congressional intent to define bribery traditionally: as a crime directed against the public. The Government's reliance on the legislative history of a subsequent statute, Respondent's brief at pp. 30-31 (hereinafter "Resp. Br."), is misplaced.

4. With the Travel Act Congress sought to address the problem of organized crime and, as the Government fails to realize, to address this problem in a manner consistent with the principles of federalism. To include commercial bribery in the ambit of the Travel Act would interfere with the states' "latitude in the dispatch of [their] own

affairs." *Rizzo* v. *Goode*, 423 U.S. 362 (1976), by forcing states either to leave commercial bribery outside the scope of the criminal sanction, or to invoke the heavy criminal sanctions superimposed by the Travel Act upon the most lenient misdemeanor statute a state might choose to enact.

5. The Government in its discussion of the doctrine of lenity (Resp. Br. at pp. 47-48) fails to note that doctrine's roots in "fundamental principles of due process." *Dunn* v. *United States*, —— U.S. ——, 99 S. Ct. 2190 (1979). Due process requires that citizens have fair notice of the conduct Congress or any other legislature deems criminal. This Court recognizes this requirement not only in the doctrine of lenity but also in the void-for-vagueness doctrine and the rule of *Bouie* v. *City of Columbia*, 378 U.S. 347 (1964). These doctrines coalesce in Petitioner's circumstances because the inclusion of commercial bribery within the ambit of the term bribery in 18 U.S.C. § 1952(b) would be contrary to all indications of the meaning of the term petitioner might have had at the time of his conduct. The construction offered by the government is thus vague as applied and imposes a penalty on petitioner *ex post facto.*

ARGUMENT

I.

Congress Intended, in the Travel Act, to Define "Bribery" as an Offer of Money or of Other Benefits to Corrupt a Person Holding Public Office or Charged With a Public Trust.

A. Accepted Legal Usage Today and at the Time of Enactment of the Travel Act Defined "Bribery" as an Offer of Money or Other Benefit to Corrupt a Person Holding Public Office or Charged With a Public Trust.

1. *The Common Law*

Petitioner and Respondent agree that bribery at common law dealt solely with the corruption of public officials, or persons charged with a public trust. *United States* v. *Nardello, supra,* 393 U.S. at 293, n.11 ("[bribery] has traditionally focussed upon corrupt activities by public officials"). When common law bribery evolved to include the corruption of jurors and witnesses, it held closely to its original purpose of insulating the processes of justice from manipulation. Similarly, the evolution of bribery to subsume the corruption of voters insured the legitimacy of the electoral process and thus reaffirmed that the fundamental purpose of bribery was the punishment of those who seek to corrupt public officers. No source cited by Respondents, see Resp. Br. at pp. 21-22, asserts that common law bribery reached beyond the corruption of public officials, witnesses, jurors, or electors. Simply to follow the long-established principle of interpreting undefined terms in criminal statutes according to their common-law meaning would therefore require acceptance of Petitioner's definition of bribery. *United States* v. *Turley,* 352 U.S. 407, 411 (1957) ("where a federal criminal statute uses a common-law term of established meaning without otherwise defining it, the general practice is to give the term its common-law meaning").

2. *The Pattern of Congressional Enactments on Bribery*

Examination of other federal statutes concerned with bribery emphatically confirms that Congress intended in the Travel Act to define bribery solely in terms of the corruption of those charged with a public trust.

The codification of federal criminal statutes covering bribery, graft, and conflicts of interest, 18 U.S.C. §§ 201-224, deal almost exclusively with the corruption of persons holding public office or charged with a public trust.[1] As the Government notes, Resp. Br. at p. 25, "bribery" statutes are also scattered throughout the United States Code and a few of these call the corruption of various private persons "bribery". The Government's reliance on these scattered statutes is misplaced. First, each of these statutes

[1] There are two exceptions: (i) 18 U.S.C. § 224 makes criminal bribery in sporting contests but it clearly identifies in subsection (c)(3) the persons subject to corruption. Further, the act was passed subsequent to the passage of the Travel Act. (ii) 18 U.S.C. § 215 makes criminal the receipt of moneys or other gifts by various officers and agents of federally insured financial institutions; it is thus a *graft* statute concerned with the conflict of interest of bankers and *not* a bribery statute. See *United States* v. *Lane,* 464 F.2d 593 (8th Cir. 1972). This is also reflected in the legislative history of the Federal Reserve Act of 1913, the originating legislation for 18 U.S.C. § 215. The House Report concerning the Federal Reserve Act stated:

> In this section it is sought to correct a bad practice, all too prevalent, of paying fees to bank examiners in order that they may make a favorable report upon the condition of the bank; and further to end the illegitimate practice whereby officers of national banks have heretofore profited at the expense of borrowers by charging a commission or brokerage for the obtaining of loans. The extent of these practices cannot be stated, but that they prevail is certain; and it is equally clear that they are opposed to public welfare and to sound banking, besides being wholly at variance with fundamental principles of honorable personal conduct.

House Report No. 69, 63rd Cong., 1st Sess. (1913).

clearly specifies the individuals whose corruption is at issue and hence indicates Congressional awareness that specificity was necessary.

More importantly, the most significant of these statutes address solely the corruption of persons charged with a public trust or holding public office. For instance, the Foreign Corrupt Practices Act, 15 U.S.C. §§ 78 dd-1 *et seq.* (1977) makes criminal payments to foreign officials, to foreign political parties and candidates, and to any intermediaries of these individuals and associations. Similarly, the language of the Racketeer Influenced and Corrupt Practices Act ("RICO"), 18 U.S.C. §§ 1961-1968, an act whose purpose and language coincide with those of the Travel Act, has been interpreted as applying only to the corruption of public officials.[2] In *United States* v. *Dansker*, 537 F.2d 40 (3d Cir. 1976), the Third Circuit overturned a conviction based on commercial bribery because the term "bribery" included only

> conduct which is intended, at least by the alleged briber, as an assault on the integrity of a public office or an official action.

Id. at 48. In *United States* v. *Forsythe*, 560 F.2d 1127 (3d Cir. 1977), the Third Circuit reaffirmed this interpretation of "bribery".[3, 4]

Third, the statutes dealing with corruption of labor union officials, 29 U.S.C. § 186 and of the trustees of pension

[2] RICO defines racketeering as "any act or threat involving . . . robbery, bribery, extortion, . . ." 18 U.S.C. § 1961.

[3] As argued in Petitioner's brief, the Second Circuit has interpreted "bribery" in the Travel Act consistently with the Third Circuit's views of RICO. *United States* v. *Brecht*, 540 F.2d 45 (2d Cir. 1976).

[4] In *United States* v. *Zacher*, 586 F.2d 912 (2d Cir. 1978) the Second Circuit overturned a conviction under 42 U.S.C. § 1396h(b) which prohibits the offer of any money ". . . in connection with the furnishing of such [medicaid] items or service." The Second Circuit construed the term bribery as requiring "the prostitution of a public trust for private gain." *Id.* at 915.

funds, 29 U.S.C. § 1111, represent an expansion of the concept of a person charged with the public trust and thus a limited expansion of the term bribery. These statutes expand the notion of public trust solely to circumstances in which a person serves as a fiduciary to a large number of individuals. In both the union and pension instances one individual represents a large number of other people just as public officials represent the citizenry at large. Such a conception of a holder of a public trust clearly excludes commercial bribery from the ambit of the Travel Act.[5]

[5] The legislative histories of both statutes are devoid of material that indicates Congressional intent to expand the concept of bribery to the typical commercial bribery situation. Much of the debate on § 186 arose over the section's applicability to the United Mine Workers' demand for a health and welfare fund in the work stoppage of 1946. See, *e.g.* 92 Cong. Rec. 4891-4911, 5040-5044 (1946); 93 Cong. Rec. 4678-4680 (1947). The Congressional debates, when they do address the problem of corruption of officials, focus critically on the fact that the object of the corruption is a *representative* with the responsibility of promoting social welfare. 92 Cong. Rec. 5428 (1946) (". . . the vice and evil which could and would arise . . . [if] the employer be allowed to contribute vast sums of money to the men who are supposed to be representing the employees"). Similarly, this Court in construing § 186 has emphasized the representation interest that the statute protects:

> Those members of Congress who supported the amendment were concerned with the corruption of collective bargaining through bribery of employee representatives by employers

Arroyo v. *United States*, 359 U.S. 419, 425-6 (1959). See also *United States* v. *Ryan*, 350 U.S. 299 (1956).

In fact, Congress did not even use the term bribery in 29 U.S.C. § 186:

> It shall be unlawful . . . to pay, lend, or deliver, or agree to pay, lend or deliver, any money or other thing of value . . .

29 U.S.C. § 186.

While the House and Senate Reports on Public Law 93-406, to which 29 U.S.C. § 1111 (Section 411) is a part, do not discuss the section at all, 1974 U.S. Code Cong. and Adm. News 4639, the purpose of the Employee Retirement Income Security Act of 1974 is completely consistent with the interpretation offered in the text: §§ 186 and 1111 represent at most a minor extension of the concept "holder of a public trust" to the employees' representative situation.

Fourth, examination of the statutory law of the District of Columbia reveals that Congress has enacted a criminal statute covering bribery of public officials but none covering commercial bribery. D.C. Code § 22-701.

Fifth, when Congress wishes to punish commercial bribery or any of the other conduct that Respondent now wishes to include in a generic definition of bribery, it has always specifically done so:

> Racketeering activity means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, or dealing in narcotic or dangerous drugs which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: section 201 (relating to bribery), section 224 (relating to sports bribery) * * * ; (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations . . .

18 U.S.C. § 1961(a)[6]

The Government's contention that the pattern of Congressional enactments on bribery reveals an intent to subsume commercial bribery is completely erroneous. On the contrary, the pattern reveals, as the Senate Judiciary Committee itself recognized in its report on S. 1437, the proposed new federal criminal code, that present bribery law subsumes only "the violation of the public servant's duty". *Senate Report 95-605*, 95th Cong., 2nd Sess. 388 (1977).[7]

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[6] See also S. 1437 and H.R. 6869 and notes 7, 10 *infra*.

[7] This distinction is made even more explicit in the most recent draft of H.R. 6869, the House version of S. 1437. The House Subcommittee on Criminal Justice has proposed a *separate* section for "Bribery and Graft" (§ 1751) which concerns official corruption and a separate subchapter for *nongovernmental bribery* which is expressly limited to bribery of government contractors (§ 2551), labor bribery (§ 2552) and sports bribery (§ 2553). The Subcommittee's version eliminates the Travel Act entirely and makes no provision for commercial bribery. Thus, except for the incorporation of *pre-existing, specific* nongovernmental bribery sections (i.e. labor, sports, and contractors) the Subcommittee's version defines bribery solely as bribery of government officials.

Working Draft of the Subcommittee on Criminal Justice, H.R. 6869, 96 Cong., 1st Sess. (Aug. 24, 1979) at pp. 53-54, 100-103.

3. *State Legislation*

The Government contends that the pattern of state legislation in bribery also indicates that bribery encompasses commercial bribery. Resp. Br. at pp. 27-28. This contention is clearly erroneous.

In the appendix Petitioner has summarized the pattern of "bribery" enactments in the states. In 1961 only thirteen (13) states had commercial bribery statutes while all had bribery statutes addressed to public officials. Furthermore, the crime of commercial bribery was in 1961 and is now generally considered significantly less heinous than that of bribery. Of the thirteen states which had commercial bribery statutes in 1961, twelve treated it less severely than bribery of public officials.[8] Today, thirty states have separate commercial bribery statutes and of those only six treat commercial bribery as severely as bribery of public officials. In addition, the Model Penal Code considers commercial

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[8] The appendix gathers the relevant statutory information. The thirteen states with commercial bribery statutes in 1961 are Connecticut, Louisiana, Massachusetts, Michigan, Nebraska, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin. Rhode Island is the only state that treated commercial bribery and bribery identically.

We have taken the list of states from Note, *Control of Nongovernmental Corruption by Criminal Legislation*, 108 U. Pa. L. Rev. 848 (1960). The list there differs somewhat from the list in Respondent's appendix. Our research confirms the University of Pennsylvania note. For instance, the Government contends Tennessee had a commercial bribery statute when, in fact, the statute actually condemns only bribery of agents of common carriers.

bribery a misdemeanor in § 224.8 and bribery of public officials a felony in Article 240. A.L.I. Proposed Official Draft, Model Penal Code § 224.8 and Article 240 (1974).

The enforcement of commercial bribery statutes also indicates the failure of commercial bribery statutes to penetrate into the traditional conception of bribery. A district court commented that the Pennsylvania commercial bribery statute was "in a state of innocent desuetude . . . with no record of any conviction for violation of the law." *Conway Import Co.* v. *United States,* 311 F. Supp. 5, 16 (E.D.N.Y. 1969). A survey of commercial bribery statutes found that there have been relatively few state criminal prosecutions of commercial bribery, 1 A.L.R.2d 1350, 1357 (1965); Accord, Coffee, *Beyond the Shut-Eyed Sentry: Toward a Theoretical View of Corporate Misconduct and an Effective Legal Response,* 63 Virginia L. Rev. 1099, 1157 (1977).

The pattern of state legislation and enforcement therefore parallels that of federal legislation and the view of the common law. Bribery in 1961, and today, means the offer of money or of other benefits to persons holding public office or charged with a public trust.

B. This Court's Decision in *United States* v. *Nardello* is Consistent With a Definition of Bribery That Requires the Corrupton of a Public Trust.

The Government contends that *United States* v. *Nardello,* 393 U.S. 286 (1969), substantiates its broad definition of "bribery". Resp. Br. at pp. 32-36. This contention ignores both the language of the *Nardello* opinion and the rationale which underlies it. In a footnote, the *Nardello* Court noted that "[b]ribery has traditionally focussed upon corrupt activities by public officials." 393 U.S. at 293, n.11. More importantly, the *Nardello* court indicated the nature of the investigation to be undertaken when determining the scope of the terms in the Travel Act. In its analysis of "extortion", the *Nardello* court rested its finding of Congressional intent primarily upon an examination of federal and state legislative treatment of the extortion/blackmail distinction. 393 U.S. at 289, 294-295.

The Government has misread this Court's opinion in *United States* v. *Nardello, supra.* The Court, in holding the blackmail equivalent to extortion, ruled that the labels attached by the various states to various crimes did not determine whether they qualified as unlawful activity within the meaning of the Travel Act. Rather, the substance of those crimes would determine the sweep of the Act. The Court then found that the crimes of extortion and blackmail had long been assimilated into one offense.

The evidence on which this Court relied in finding the assimilation of blackmail and extortion was substantial. In footnote 12 of *United States* v. *Nardello, supra,* this Court pointed out that the Pennsylvania cases treated extortion and blackmail as synonymous. It also noted they received synonymous treatment in the federal code; 18 U.S.C. § 250, formerly entitled "Extortion by Informer", is today captioned "Blackmail" under 18 U.S.C. § 873. Both when this Court decided the *Nardello* case and when Congress enacted the Travel Act, all of the states had enacted statutes which made extortion and blackmail cover actions of private as well as public parties. Congress thus intended that the Travel Act reach extortionate behavior of both public and private officials regardless of the label a state chose to denominate the criminal offense.

Neither the states nor Congress, however, have assimilated the crimes of bribery of a person holding a public trust and commercial bribery. While it is true, as the Government states, Resp. Br. at 21-22, that bribery originally was confined to those in judicial office, the concept has evolved to include only those who hold a public trust, e.g., public officials, jurors, electors. It has not expanded

to include the corruption of private individuals. See Point A, *supra*.[9]

In the instant case, the Louisiana commercial bribery statute and bribery as used in the Travel Act are synonymous in label only; the rationale of *Nardello* thus requires that the distinction that has traditionally been made in the definition and usage of bribery and commercial bribery be respected in interpreting the Travel Act.[10] Petioner's view should prevail.

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[9] Both the Second Circuit, in *United States* v. *Brecht*, *supra*, and Judge Rubin in dissent in the court below uphold Petitioner's position on the scope of bribery. Both the Second Circuit and Judge Rubin relied on the paucity of state prohibitions of commercial bribery in 1961. Judge Rubin also noted that, as recently as 1976, six states did not even mention the word "bribery" in defining the offense of "commercial bribery". For additional support of Petitioner's view, see point A above, the opinion in *Brecht*, and the dissent in the court below.

[10] It should be noted that the government's argument as to arson is equally invalid. The Government refers in its brief to the fact that if arson under the Travel Act were limited to its common law meaning, it would be restricted to cases in which a dwellinghouse was burned. Resp. Br. at p. 23. What the Government fails to reveal, however, is that the common law definition of arson had been transformed by 1961 in all the states. By the time the Travel Act was passed, the statutes of all the states defined arson not only as the burning of a dwellinghouse, but also as the burning of all other buildings and movable property. In Arthur F. Curtis, *The Law of Arson* (1936), the author states:

> An avalanche of statutes has overwhelmed the common law crime of arson and obliterated its limits so that its former scope is interesting only in a historical sense. Where it was originally confined to dwellings and nearby buildings, it is now extended to all manner of structures including even bridges. Where it formerly protected only the habitation of man, it now covers personal property such as building material, household goods, and even crops.

Id. at 2. Later, the author states:

> The penal laws of the United States are now complete so that all offenses are statutory, leaving no common law crimes.

Id. at 15. In 43 *Journal of Criminal Law and Criminology* 54, under the legal aspects of arson, the author states:

> To remedy inadequacies of the common law, the legislatures of the various states gradually began to extend and broaden the definition of crime, until today it covers all kinds of buildings and structures even including the burning of one's own property, whereas at common law it was limited to the burning of a dwellinghouse occupied by another person.
>
> While the legislative enactments in some states were adequate, in other they fell short. The Model Arson Law was designed not only to bring about uniformity but to correct the deficiencies of the common law and the statutory law.

Thus in 1965 when arson was added as an unlawful activity, within the purview of the Travel Act, the common law definition of arson had been modified by all of the states. By 1961 arson had been transformed from its early common law limitation in the same manner that extortion had evolved as outlined above. This was not the case with respect to bribery.

C. The Legislative History of the Travel Act Demonstrates That Congress Intended to Define Bribery With Reference to Persons Charged With a Public Trust.

The Government has selectively quoted from the legislative history of the Travel Act in an attempt to suggest that Congress contemplated encompassing commercial bribery within the Act's strictures. Resp. Br. at pp. 28-32. In fact the legislative history supports equally well Petitioner's definition of bribery. In his statement before the House Judiciary Committee, the Attorney General stated that the bill was aimed at "the huge profits in liquor, narcotics, prostitution, as well as the use of these funds for corrupting *public officials. . . .*" *Hearings on S. 1653-1658, S. 1665 Before the Senate Committee on the Judiciary*, 87th Cong., 1st Sess. at 2 (1961) (emphasis added). This limited aim of 18 U.S.C. § 1952 has been confirmed both by this Court in *Rewis* v. *United States*, 401 U.S. 808 (1971), and by the Fourth Circuit in *United States* v. *Hawthorne*, 356 F.2d 740 (4th Cir.), *cert. den.*, 384 U.S. 908 (1966).

Throughout the legislative process, the reference to "bribery" recurred in conjunction with "official corruption", particularly by organized crime figures. Attorney General Robert Kennedy described the Act as covering "the bribery and corruption of local officials". *Hearings on S. 1653-8 and S. 1665 Before the Senate Committee on the Judiciary*

("Hearings"), 87th Cong. 1st Sess. at 11 (1961). When the House of Representatives proposed an amendment to the Bill which would have limited the coverage of the bill to extortion and bribery related to the specified crimes of gambling, liquor, narcotics or prostitution, Deputy Attorney General Byron R. White wrote in protest to the House Judiciary Committee that the amendment "removes from the purview of the bill the bribery of state, local and federal officials by the organized criminals unless we can prove that the bribery is directly attributable to [the four specified crimes.]" See also *Hearings, supra*, at 11, 13, 17, 108, and *passim*.

Obviously, the Department of Justice understood bribery to refer to "state, local and federal officials", and not to private persons. Its position is precisely consistent with the position taken by this Court in footnote 11 in the *Nardello* case, quoted *supra*; and the position which Petitioner has consistently asserted in the court below and now in this Court.

The Government attempts to bridge the absence of any legislative history in the Travel Act with respect to commercial bribery by arguing that the legislative history of 18 U.S.C. § 224, involving sports bribery and passed one year after the Travel Act, demonstrated an understanding by Congress that the term "bribery" in the Travel Act applied to private as well as official corruption, Resp. Br. at pp. 26, 30.

"[T]he views of a subsequent Congress form a hazardous basis for inferring the intent of an earlier one." *United States* v. *Price*, 361 U.S. 304, 313 (1960). Such *post hoc* legislative materials relied on by the Government have uniformly been accorded little if any interpretive weight.[11] See *United States* v. *Wise*, 370 U.S. 405, 414 (1962); *Rainwater* v.

[11] This *post hoc* reason is particularly hazardous in the instant case because Congress has clearly separated commercial bribery from sports bribery. See footnote 7, *supra*, pp. 8-9 and §§ 1751, 1753 of S. 1437.

United States, 356 U.S. 590, 593-94 (1958); *United States* v. *United Mine Workers*, 330 U.S. 258, 282 (1947).[12]

If there is any doubt as to the meaning of the word "bribery" as used in Section 1952 of Title 18, U.S.C. that doubt is clearly dispelled by a reference to the legislative history of that statute and this Court should not permit that legislative history to be disregarded or obfuscated by references to legislative acts of Congress one year, three years, or ten years after the passage of the Travel Act. Bribery as embodied in the Travel Act was the serious offense that Congress perceived to be the corruption of public officials by elements of organized crime. Its common law definition remained in full force and effect in 1961 as distinguished from that of extortion and arson. The ruling of the Second Circuit in *United States* v. *Brecht*, *supra*, and the dissenting opinion of Judge Rubin in the instant case, represent the correct construction of the Travel Act, consistent not only with the intent of Congress but the opinion of this Court in *United States* v. *Nardello*, *supra*.[12a]

D. The Inclusion of Commercial Bribery Within the Ambit of the Travel Act Would Be Inconsistent With the Purposes Sought to Be Achieved by Congress.

The Government acknowledges only one of at least two purposes that Congress sought to achieve through passage of the Travel Act: the elimination or curtailment of the activities of organized crime. Resp. Br. at pp. 36-41. Congress also sought to *aid* local law enforcement officials not to pre-empt them from the field and not to encroach upon

[12] Likewise, the Government at page 30 of its brief refers to the legislative history of 18 U.S.C. § 224, by referring to a comment of Senator Keating. A reading of that statement, however, indicates that it relates only indirectly to 18 U.S.C. § 1952, and reflects at best a tentative personal opinion of Senator Keating.

[12a] A forthcoming Note exhaustively analyzes Congressional intent in a discussion of this case. The analysis reinforces Petitioner's position. Note, *The Scope of Bribery Under the Travel Act*, Journal of Criminal Law & Criminology (forthcoming).

the power of the states to regulate economic and individual behavior. The Travel Act was enacted to give material assistance to the States in combatting pernicious undertakings which cross state lines." *Senate Report No. 644*, 87th Cong., 1st Sess. at 4 (1961) (quoted in *United States* v. *Nardello*, 393 U.S. 286, 292, n.10); *House Report No. 966*, 87th Cong., 1st Sess. at 4 (1961) (cited in *Nardello, supra*). Thus "Congress' intent was to aid local law enforcement officials." 393 U.S. at 293.

The Travel Act effected an unusual expansion of federal jurisdiction in criminal law enforcement, in reaction to a particular and compelling national concern: the influence and spread of organized crime. It was enacted in response to Attorney General Kennedy's request for a package of legislation to enable the Justice Department to act effectively in that area. *Hearings on S. 1653-1658, S. 1665, Before the Senate Committee on the Judiciary*, 87th Cong., 1st Sess. 1-7, 16-17 (1961). The primary target of the Act was gambling, and acts related to or arising from gambling. *Id.* at 2, 16-17.

By incorporating violations of specified state criminal laws as an element, the Travel Act inevitably affects the delicate and historical federal-state balance in law enforcement:

> Given the ease with which citizens of our Nation are able to travel and the existence of many multi-state metropolitan areas, substantial amounts of criminal activity, traditionally subject to state regulation, are patronized by out of state customers. . . . [A]n expansive Travel Act would alter sensitive federal-state relationships, could overextend limited federal police resources, and might well produce situations in which the geographic origin of customers, a matter of happenstance, would transform relatively minor state offenses into federal felonies.

Rewis v. *United States*, 401 U.S. 808, 812.

While Congress possesses broad but not unlimited power to effect such a result, the Court has made clear that a drastic restructuring of the federal and state roles should not be assumed lightly. See *United States* v. *Bass*, 404 U.S. 336, 349; *Rewis* v. *United States, supra*. The Act must be construed as narrowly as possible without undermining its fundamental purpose: to control the national problem of "organized crime" and organized criminals, whose *modus operandi* often is to "reside in one state while operating or managing illegal activities located in another." Thus, especially with respect to crimes not usually connected with typical "organized crime" activities, only where "Congress conveys its purpose clearly, [will it] be deemed to have significantly changed" the balance of federal-state criminal jurisdiction. *United States* v. *Bass*, 404 U.S. 336, 349. See also *Erlenbaugh* v. *United States*, 409 U.S. 239, 247, n.21.

This Court has recently reaffirmed its concern about federal-state relations. In *Rizzo* v. *Goode*, 423 U.S. 362 (1976), a federal injunction requiring significant alteration in police procedures for handling civilian complaints was held inappropriate, in part, because of the "delicacy of the adjustment to be preserved between the federal equitable power and State administration of its own law." 423 U.S. at 378 (quoting from *Stefanelli* v. *Minard*, 342 U.S. 117, 120 (1951) and citing *O'Shea* v. *Littleton*, 414 U.S. 488, 500 (1974)).

The Respondent's interpretation of bribery significantly interferes with state power to regulate daily conduct. As membership in organized crime is not an essential element to a prosecution under the Travel Act, (see *United States* v. *Culbert*, 435 U.S. 371 (1978)), an expansive reading of bribery under the Travel Act would convert a myriad of minor state and federal offenses into Travel Act prosecutions because the offense or offenses involved may be somehow argued to be generically a subspecies of bribery.

Not only would the federal statutes such as 18 U.S.C. § 215, and 29 U.S.C. § 186 be subsumed under the Travel Act, but literally hundreds of state misdemeanors could,

at the discretion of the United States Attorney's office, be utilized to bring a federal travel prosecution. Thus, for example, the giving of a bribe by a seller of lumber to one who measures lumber—a penalty of fifty ($50) to two hundred ($200) dollars under Massachusetts law (see Mass. Regulation of Trade Law, Chapter 96 § 10 (1924)) —would bring a five-year and/or ten thousand dollars ($10,000) fine under the Travel Act. Likewise, the giving of a bribe to a chauffeur—a twenty-five dollar ($25) penalty under Wisconsin Law, see Wis. Stat. Ann. Vol. 20 § 134.05—would be subject to the Travel Act.

Thus, lesser included and related offenses, which under the Government's argument would fall generically under the subject of bribery, could be utilized by the United States Attorney's office to trigger a Travel Act prosecution if any interstate commerce were involved. To rely, as the Government does, Resp. Br. at pp. 44-45, on prosecutorial discretion and in the sentencing power of judges to cabin the broad sweep of its interpretation of the Travel Act, misconceives the Congressional concern for federal-state relations.

The holding of the Court of Appeals in the present case tips the balance decidedly in favor of federal intervention in areas of traditional state concern. It creates a federal felony out of acts bearing no particular relevance to the compelling national law enforcement interest, embodied in the Travel Act, of protection against and control of organized crime.[13] It imposes a potential penalty of five years imprisonment and a $10,000 fine for an offense which at the time of the enactment of the Travel Act was not even

[13] While this national interest clearly would be furthered by inclusion within the scope of the statute of acts of traditional bribery—i.e. "corrupt activities by public officials," *United States* v. *Nardello, supra,* 393 U.S. at 293, n.11—it would not be served significantly by inclusion of commercial bribery. As the Second Circuit recognized, commercial "bribery," unlike bribery of public officials, "typically is not a feature of organized crime," but rather "is typically an establishment transgression." *United States* v. *Brecht, supra,* 540 F.2d at 50.

a crime in thirty-seven states or the District of Columbia, and which today remains a minor misdemeanor in most state jurisdictions. There is no indication in either the language or the legislative history of the Act that Congress intended such a sweeping result. For purposes of the Travel Act "bribery" should be defined as an offer of money or other benefits to corrupt a person holding public office or charged with a public trust.

II.

To Include Commercial Bribery Within the Ambit of the Travel Act Violates the Petitioner's Due Process Right to Fair Notice as That Right is Variously Recognized in the Judicial Doctrines of Lenity, Void-for-Vagueness as Applied and the Rule of *Bouie* v. *City of Columbia.*

The Government's argument that the rule of lenity does not apply in the instant case rests entirely on the contention that there is little or no ambiguity in the meaning of "bribery." Resp. Br. at pp. 47-48. We have shown above, however, that legal usage at both the state and federal level was consonant with the definition of bribery advocated here by Petitioner. See Point IA *supra.* The legislative history of the Travel Act either supports Petitioner's position or is ambiguous. See point IC *supra.* A thorough consideration of the criteria governing the application of the rule of lenity must therefore be undertaken.

In each of the five recent cases cited by Respondent as delineating the scope of the rule of lenity, no ambiguity existed. In *Scarborough* v. *United States,* 431 U.S. 563 (1977) this Court stated:

> We do not face the conflicting pull between the text and the history that confronted us in *Bass.* In this case, the history is unambiguous and the text consistent with it.

431 U.S. at 577. Accord *United States* v. *Culbert*, 435 U.S. 371, 379 (1978) ("But here Congress has conveyed its purpose clearly and we decline to manufacture ambiguity where none exists."); *United States* v. *Naftalin*, —— U.S. ——, 60 L.Ed. 2d 624, 633 (1979) (words "plainly impose meaning"); *United States* v. *Batchelder*, —— U.S. ——, 47 U.S.L.W. 4611 (June 4, 1979); *Barrett* v. *United States*, 423 U.S. 212, 217 (1976).

As ambiguity *does* exist in the instant case, the rule of lenity, *Huddleston* v. *United States*, 415 U.S. 814, 831 (1974); *Rewis* v. *United States*, 401 U.S. 808, 812 (1971); *Bell* v. *United States*, 349 U.S. 81, 83 (1955) should be applied. In *Dunn* v. *United States*, —— U.S. ——, 99 S.Ct. 2190 (1979), this Court articulated a constitutional basis for the rule of lenity:

> [t]his practice reflects not merely a convenient maxim of statutory construction. Rather, it is rooted in fundamental principles of due process, which mandate that no individual be forced to speculate, at peril of indictment, whether his conduct is prohibited.

Dunn thus suggests an examination of two bodies of law: the void-for-vagueness doctrine and the rule of *Bouie* v. *City of Columbia*, 378 U.S. 347, 353-354 (1964), to determine when the interpretation of a statute is sufficiently ambiguous to invoke the rule of lenity.

A. The void-for-vagueness doctrine

The void-for-vagueness doctrine rests on two elementary principles integral to the broader concept of due process: (i) that the law be plain and intelligible so that the citizenry, and particularly those who may stray from the law,[14] can be charged with knowledge of the criminal consequences

[14] Holmes, *The Path of the Law*, 10 Harv. L. Rev. 457, 459-61 (1897).

of certain specified acts, *United States* v. *L. Cohen Grocery Co.*, 255 U.S. 81 (1921), *Connally* v. *General Construction Co.*, 269 U.S. 385 (1926); *McBoyle* v. *United States*, 283 U.S. 25, and *Lanzetta* v. *New Jersey*, 306 U.S. 451; and (ii) that the criminal justice system operate with the maximum degree of precision to achieve the even-handed application of sanctions for acts specified by the legislature to be crimes, rather than permitting judges or juries to punish behavior which they find personally offensive. *United States* v. *Reese*, 92 U.S. 214 (1876) and *Papachristou* v. *City of Jacksonville*, 405 U.S. 156 (1972).

The Fifth Circuit's interpretation of "bribery" and its application of the Travel Act to Petitioner denied him fair notice in two ways. First, the interpretation at issue here is novel and contrary to the legally accepted use of the term; hence Petitioner was not given fair notice of the crime. Second, the conflict between the circuits as to the meaning of the Act demonstrates the uncertainty inherent in the particular application of the Travel Act to Petitioner. We address these points in turn.

This Court has previously acknowledged that in deciding the intent of Congress, the judiciary must consider past usage:

> The opinion in the Nash case [*Nash* v. *United States*, 229 U.S. 373 (1913)], also drew support from the suggestion that language in a criminal statute which might otherwise appear indefinite may derive definiteness from past usage.

Winters v. *New York*, 333 U.S. 507, 537-538 (1948) (Frankfurter dissenting).

Further, this Court in determining past usage, first looks to the common law usage of the terms. In *Weeds, Inc.* v. *United States*, 255 U.S. 109 (1921), Justice Pitney noted that "the natural standard, according to which this provision of the act ought to be interpreted, is that . . . adhered

to by the common law time out of mind." *Id.* at 112. Similarly, in *Lanzetta* v. *State of New Jersey,* 306 U.S. 451 (1939), the Court struck down a statute on vagueness grounds because the meaning of the term "gang" was not derivable from common law or from any other source of law. *Id.* at 454-5. Accord, *Connally* v. *General Construction Company,* 269 U.S. 385, 391 (1926) ("the decisions of the court upholding statutes as sufficiently certain rested upon a conclusion that they employed words . . . having . . . a well settled common law meaning"); *Champlin Refining Co.* v. *Corporation Comm. of Oklahoma,* 286 U.S. 210, 242-3 (1932) ("The general expressions employed here are not known to the common law."). While antiquity of common law usage may not save a statute from condemnation under the vagueness doctrine, *Papachristou* v. *City of Jacksonville,* 405 U.S. 156 (1972), interpreting a statute contrary to the accepted legal usage only introduces indefiniteness and uncertainty into its terms. Exactly this circumstance occurred in the instant case and 18 U.S.C. § 1952 should be ruled vague as applied or the rule of lenity should be invoked and the familiar interpretation of bribery should be accepted.

This Court has relied upon the existence of divergent judicial decisions of state courts to show the difficulty, if not the impossibility, of ascertaining the meaning of a statute. See, *e.g., United States* v. *Cohen Grocery Co.,* 255 U.S. 81, 89-90 (1921) and *Lanzetta* v. *New Jersey,* 306 U.S. 444, 457 (1939). It has held that when two of this Court's own interpretations of the same statute differ, a conviction under one of those interpretations could not be upheld. See *James* v. *United States,* 366 U.S. 213 (1961). While conflicts among circuits are not in themselves proof of vagueness, the nature of the conflicts here among three circuits evidences so serious an ambiguity in the statute as to require invocation of the rule of lenity.

B. A Broad Interpretation of the Travel Act When Applied to the Defendant Amounts to an *Ex Post Facto* Law in Violation of the Due Proces Clause of the Fifth Amendment.

This Court has consistently found that judicial interpretations which amount to *ex post facto* legislation are a violation of the due process clause of the Fifth and Fourteenth Amendments. See *Marks* v. *United States,* 430 U.S. 188 (1977); *Douglas* v. *Buder,* 412 U.S. 430 (1973); *Bouie* v. *City of Columbia,* 378 U.S. 347 (1963); and *Pierce* v. *United States,* 314 U.S. 306 (1941).[15]

The due process violations in these cases arose not only from the vague language of the statute itself, as in the *Lanzetta* and *Connally* line of cases, but also from the unforeseen and retroactive expansion of a statute due to judicial construction. To a large degree, this aversion to judicial expansion of criminal statutes rests upon the idea that the specification of criminal offenses is the province of the legislature and not of the court, see, *e.g., United States* v. *Bass,* 404 U.S. 336, 348; *United States* v. *Boston and Maine Railroad,* 380 U.S. 157, 160 (1965), that penal statutes are to be interpreted with exactitude, *United States* v. *Campos-Serrano,* 404 U.S. 293 (1971); *Smith* v. *United States,* 360 U.S. 1 (1959); *F.C.C.* v. *American Broadcasting Co.,* 347 U.S. 284 (1954); and *Pierce* v. *United States,* 314 U.S. 306 (1941), and that penal statutes "will not be read to create crimes . . . unless the purpose so to do is plain." *United States* v. *Noveck,* 271 U.S. 201, 204 (1926).

In *Pierce,* for example, this Court reversed the Petitioner's conviction and stated:

> [J]udicial enlargement of a criminal Act by interpretation is at war with a fundamental concept of the

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[15] See also *Splawn* v. *California,* 431 U.S. 595, 601 (1976) wherein this Court, citing *Bouie,* has stated: "the elements of a statutory offense may not be so changed by judicial interpretation as to deny to accused defendants fair warning of the crime prohibited."

> common law that crimes must be defined with appropriate definiteness.

Id. at 311.

In *Bouie* v. *City of Columbia, supra,* the Court reversed the conviction of civil rights demonstrators who were charged with violations of a South Carolina trespass law. Although this Court recognized that the South Carolina Supreme Court's judicial construction of the criminal trespass statute could be applied in all *future* cases, it was impermissible, the Court found, to apply that construction to the defendants in the very case establishing that construction. For, the Court stated:

> [A]n unforeseeable judicial enlargement of a criminal statute, applied retroactively, operates precisely like an *ex post facto* law, such as Art. I, § 10, of the Constitution forbids . . . If a state legislature is barred by the *Ex Post Facto Clause* from passing such a law, it must follow that a State Supreme Court is barred by the Due Process Clause from achieving precisely the same result by judicial construction. Cf. *Smith* v. *Cahoon,* 283 U.S. 553, 565. The fundamental principle that 'the required criminal law must have existed when the conduct in issue occurred,' Hall, *General Principles of Criminal Law* (2d ed. 1960), at 58-59, must apply to bar retroactive criminal prohibitions emanating from courts as well as from legislatures. If a judicial construction of a criminal statute is 'unexpected and indefensible by reference to the law which had been expressed prior to the conduct at issue,' it must not be given retroactive effect.

378 U.S. at 353-54 (1974).

More recently, this Court in addressing an *ex post facto* challenge to the retroactive application of a judicial interpretation of a criminal statute found such application a violation of the Due Process Clause. *Marks* v. *United States,* 430 U.S. 188 (1977). Unlike *Bouie* where the due

process violation arose from an expansive construction of a previously narrowly defined statute, the due process violation in *Marks* arose because the statute "always used sweeping language to describe that which (was) forbidden," 430 U.S. at 195. Thus, a person is deprived of the notice guaranteed by the due process clause either when he is subject to an expansive interpretation of a previously narrowly drawn statute as in *Bouie* or when he is subject to a new construction given a statute whose language is "sweeping" as in *Marks.*

In the instant case, the Petitioner was denied fair notice consistent with due process in both senses. First, at common law, bribery pertained solely to bribery of public officials. See point IA above. Therefore, the expansive construction of the term "bribery" given by the Fifth Circuit in the instant case is impermissible under *Bouie* because it results in lack of notice to *this* Petitioner.

Second, to the degree that the term bribery is subject to a broad or "sweeping" definition as given to it by the lower court, that definition can *not* permissibly be applied to Petitioner under *Marks* because he could not have had fair notice from a statute, which has been subject to and given multiple interpretations, as to which interpretation would be relied upon. Compare *United States* v. *Brecht,* 540 F.2d 45 (2nd Cir. 1976) with *United States* v. *Pomponio,* 511 F.2d 953 (4th Cir. 1975), *cert. denied* 423 U.S. 874 (1975).

CONCLUSION

The judgment of the Court of Appeals should be reversed.

Respectfully submitted,

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Certificate of Service

I hereby certify that on September 27, 1979, I caused three copies of the foregoing Reply Brief in No. 78-959 to be served by first class mail, postage prepaid, upon Steven M. Shapiro, Esq., Office of The Solicitor General, U.S. Department of Justice, 10th and Constitution Avenue, Washington, D.C. 20530.

Dated: New York, N. Y.
September 27, 1979

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APPENDIX

This Appendix examines the treatment of bribery, commercial bribery, sports bribery, extortion, and blackmail in the fifty states, the District of Columbia, and under the Model Penal Code. In particular, we compare the treatment of bribery and commercial bribery as distinct crimes to the assimilation of blackmail and extortion. In each jurisdiction we list the statute and some indication of the severity with which the jurisdiction treats the crime. When possible we have indicated when the cited statute went into effect. The sports bribery statutes are included largely to facilitate comparison with Respondent's appendices.

The data presented may be briefly summarized. While under the Model Penal Code and 45 of the 51 jurisdictions, blackmail and extortion have been merged, 21 jurisdictions do not even have a criminal statute governing commercial bribery. Further, the Model Penal Code, and 24 of the 30 jurisdictions that have *any* commercial bribery statute, treat bribery separately and more harshly than commercial bribery. The rationale of *Nardello* therefore dictates that the Travel Act be construed so as not to encompass commercial bribery.

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Alabama	Ala. Code tit. 13, § 13-5-30, 31 Classification: offense against public administration. Penalty: 2 to 10 years	NONE	Ala. Code tit. 13 §13-4-9 Classification: Forgery and Fraudulent Practices Penalty: felony (1947)	Ala Code tit. 13 § 13-3-3 Classification: offenses involving theft Penalty: $1,000 fine; 1 year imprisonment	Ala. Code. tit. 13-3-2 Classification offenses involving theft. Penalty: $1,000 fine; 1 year imprisonment
Alaska	Alaska Stat. § 11-56 - 100 Classification: offense against public administration Penalty: class B felony (as of Jan. 1st, 1980)	Alaska Stat. § 11-46-660, 670. Classification: offense a-against property Penalty: class C felony as of (Jan. 1, 1980)	NONE	Alaska Stat. § 11-41-520 Classfication: offense against the person Penalty: class B felony (as of Jan. 1st, 1980)	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Arizona	Ariz. Rev. Stat. § 2602 Classification: bribery Penalty: class 4 felony	NONE	Ariz. Rev. Stat. § 2309 Classification: organized crime and fraud Penalty: class 4 felony	Ariz. Rev. Stat. §§ 1804, 2302 et seq. Classification: § 1804, theft; § 2302 organized crime and fraud Penalty: felony, with class varying with circumstances	No separate blackmail offense
Arkansas	Ark. Stat. Ann. § 41-2703 Classification: offense against Public Administration (corrupt influence) Penalty: class D felony	NONE	Ark. Stat. Ann. § 41-3288 Classification: offense against public order (gambling) Penalty: class D felony	Ark. Stat. Ann. § 41-2202, 2203 Classification: offense against public order (theft) Penalty: varies with amount	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
California	Cal. Penal Code §§ 67, 67.5 , 68, 85, 86, 92, 93 Classification: crime, by and against the executive power (67, 67.5 , 68); Crimes against the Legislative Power (85, 86); crimes against Public Justice (92, 93) Penalty: 2,3, or 4 disqualification from office (67,68); variable (67.5); 2, 3 or 4 years (85, 86, 92, 93)	NONE	Cal. Penal Code, § 337 b, c, d, and e Classification: crimes against the person (Gaming) Penalty: felony imprisonment or up to $5,000.00 fine, or both (1921)	Cal.Penal Code § 518 Classification: crimes against property (extortion) Penalty: 2, 3 or 4 years	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Colorado	Colo. Rev. Stat. § 18-8-302 Classification: offenses-Governmental Operation Penalty: Class 3 felony	Colo. Rev. Stat. § 18-5 401 Classification: offenses involving fraud Penalty: class 5 felony	Col. Rev. Stat. § 18-5-403 Classification: involving fraud Penalty: class 5 felony (Colo. has had a sports bribery law since 1947)	Colo. Rev. Stat. § 18-3-207;18-15-101, 102, 105, 107 Classification: offenses against the person (18-3-207); offenses-making, financing, or colection of loans (18,15-101, et seq.)	No separate blackmail offense
Connecticut	Conn. Gen. Stat. Ann. §§ 53a-147, 148 (West) Classification: bribery offenses against the Administration of Justice, and related offenses Penalty: class D felony	Conn. Gen. Stat. Ann. §§ 53a-160, 161 (West) Classification: (same as Public official bribery) Penalty: class A misdemeanor	Conn. Gen. Stat. Ann. §§53a-162, 163, 164 (West) Classification: same as public official bribery Penalty: Class D felony (162); class A mis. (163, 164)	Conn.Gen. Stat. Ann § 119 (5) (West) Classification: Larceny, Robbery & related offenses Penalty: class C felony	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Delaware	Del. Code. tit. 11 §§1201, 1203 Classification: offenses against Public Administration Penalty: class D felony	Del. Code. tit. 11 §§ 881, 882 Classification: offenses involving property Penalty: class A misdemeanor (recent) ?	same as commercial bribery; also Del. Code tit. 28 §§ 701, 702, 703, 704: Classification: sports & amusements: influencing results of sporting events by bribery and other unlawful means (28 § 701 et seq.) Penalty: not more then $3,000.00 or not more than 3 years or both (1947)	Del. Code. tit. 11, § 846 Classification: offenses involving property Penalty: class D felony	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
District of Columbia	D.C. Code §22-701 Penalty: Not more than $500 or 3 years or both (enacted 1901)	None	D.C. Code §22-1513 (enacted 1901)	D.C. Code §22-2306 (intent to commit extortion by communication of illegal threats or commands)	D.C. Code §22-2305 (includes extortion) Penalty: Not more than 5 years or $1000.00 or both

The District of Columbia does not distinguish between extortion and blackmail by the position of the actor

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Florida	Fla. Stat. Ann. § 838-015 (west) Classification: bribery, misuse of public office Penalty: 3rd degree felony	NONE	Fla. Stat. Ann. § 838.12(West) Classification: bribery; misuse of public office Penalty: 3rd degree felony	Fla. Stat. Ann. § 812 Classification: larceny, robbery, & related crimes Penalty: variable	No separate blackmail offense
Georgia	Ga. Code Ann. § 26-2301 Classification: abuse of Governmental Office Penalty: up to $5,000 fine or 1-20 years or both	NONE	Ga. Code Ann. § 26-2711 Classification: gambling related offenses Penalty: $1,000 to $5,000 fine or 1 to 5 years or both	Ga. Code Ann. § 26-1804 Classification: Theft Penalty: 1-10 years (See also §§ 89-9909 and 40-9901 for extortion by a public official)	No separate blackmail offense

(1968)

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Hawaii	Haw. Rev. Stat. § 710-1040 Classification: offense against public administration Penalty: class C felony	Haw. Rev. Stat. § 708-880 Classification: offense against propert rights Penalty: misdemeanor (post-1961)	Haw. Rev. Stat. § 708-881 Classification: against property rights Penalty: misdemeanor (1947)	Haw. Rev. 708-800, 830(3)(5) Classification: offense against proerty rights Penalty: variable	No separate blackmail statute
Idaho	Idaho Code §§ 18-1352 Classification: bribery and corruption Penalty: felony	NONE	NONE	Idaho Code § 18-2801 to 2808 Classification: extortion Penalty: $5,000 or 5 years or both	No separate blackmail statute

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Illinois	Ill. Ann. Stat. ch-38 § 33-1 (Smith-Hurd) Classification: offense affecting governmental functions Penalty: Class 4 felony	Ill. Ann. Stat. ch 38 § 29A-1,2,3 (Smith-Hurd) Classification: offense affecting public health, safety, and decency Penalty: $500 fine (business offense) [became law 1969]	Ill. Ann. Stat. § 29-1, 2 (Smith-Hurd) Classification: same as commercial bribery Penalty: class 4 felony [became law in 1921]	Ill. Ann. Stat. ch 38 § 16-1 (c) Classification: Theft and related offenses	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Indiana	Ann. Inc. Code § 35-44-1-1(1)(2) (West) Classification: offense against public administration Penalty: class C felony ($10,000 or 5 years)	NONE	Ann. Ind. Code § 35-44-1-1 (5) Classification: same as public official bribery Penalty: same as public official bribery (orginally passed in 1947 amended 1976)	Ann. Ind. Code § 35-45 2-1 Classification: offenses against Public Health, Order, & Decency Penalty: variable	No separate blackmail offense
Iowa	Iowa Code Ann. § 722.1 (West) Classification: bribery & corruption Penalty: class D felony	Iowa Code Ann. § 722.10 (West) Classification: bribery & corruption Penalty: class D felony [added by acts 1978, effecttive Jan. 1st, 1979]	Iowa Code Ann. § 722.3 Classification: bribery & corruption Penalty: aggravated misdemeanor [1953 Iowa Acts]	Iowa Code Ann. § 711.4 Classification: robbery & extortion Penalty: class D felony	No separate blackmail statute

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Kansas	Kan. Stat. Ann §§ 21-3901 Classification: affecting public trusts Penalty: class D felony and for feiture of office and disqualification	Kan. Stat. Ann. § 21-4405 Classification: crimes affecting business Penalty: class E felony [became law in 1969]	Kan. Stat. Ann. § 21-4406 Classification: affecting business Penalty: class E felony [became law in 1969]	Kan. Stat. Ann. § 21-3701 (1)(c); 21-3902 (b) Classification: crime against property(3701) crime affecting public trust (3902) Penalty: variable (3701); class a misdemeanor plus forfeit of office (3902)	Kan. Stat. Ann. § 21-3428 Classification: crimes against persons Penalty: class E felony

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Kentucky	Ky. Rev. Stat. § 521.020 (Bobbs-merrill) Classification: bribery and corrupt influences Penalty: class D felony	Ky. Rev. Stat. § 518.020 (Bobbs-Merrill) Classification: Miscellaneous crimes business Penalty: class A misdemeanor Ky law (1974(?))	Ky. Re. Stat. § 518.030 Classification: same as the commercial bribery Penalty: class A misdemeanor (Ky law 1952)	Ky. Rev. Stat. § 514,080 Classification: theft and related offenses Penalty: variable	No separate blackmail offense
Louisiana	La. Rev. Stat. Ann. § 14:118 (West) Classification: offense against organized overn-ment Penalty: $1,000 fine; 4 years in prison or both	La. Rev. Stat. Ann. 14:73 (West) Classification: offense against property Penalty: $500.00 fine 1 year in prison or both (passed, 1920)	La. Rev. Stat. Ann. 14:118.1 (West) Classification: offense affecting organized govern-ment Penalty: $10,00 fine; 10 years in prison (passed, 1932)	La. Rev, Stat. Ann. 14-66 Classification: offense against property Penalty: variable	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Maine	17-A Me. Rev. State. Ann. § 602 (West) Classification: bribery & corrupt practices Penalty: class C crime	17-A Me. Rev. Stat. Ann. § 904 (West) Classification: fraud Penalty: class D crime (passed 1976)	17-A Me. Rev. Stat. Ann. § 904 (West) Classification: theft Penalty: class D crime (passed 1976)	17-A Me. Rev, Stat. Ann. §§ 351, 355, (West) Classification: Theft Penalty: variable	No separate blackmail offense
Maryland	MD. Crimes & Punishments Code Ann. art. 27, § 23 Classification: bribery Penalty: $100.00 to $5,000.00 fine; 2 to 12 years in prison; or both; disenfranchisement; disqualification from office-holding	NONE	MD. Crimes and punishments Code Ann. art. 27, § 24, 25 Classification: bribery Penalty: $100.00 to $5,00.00 fine; 6 months to 3 years in prison, or both (1947)	MD. Crimes and punishments code Ann. art. 27, §§ 561 562, 562 A Classification: Threats and threatening letters	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Massachusetts	Mass. Gen. Laws Ann. ch 268A § 2 (West) Classification: Conduct of Public officials and employees Penalty: maximum $5,000 fine; 3 or 4 years in prison; disqualification from office	Mass. Gen. Laws Ann.ch. 271 § 39 (West) Classification: crime against public policy Penalty:maximum $500.00 fine; 1 year in prison or both (except for hiring agents)	Mass. Gen. Laws Ann. ch. 271, § 39A (West) Classification: crime against Public Policy Maximum Penalty: 1,000 fine; 2 years in prison or both	Mass. Gen. Laws Ann. ch. 265 § 25 Classification: crimes against the person Maximum Penalty: $5,000 fine; 15 years in prison	No separate blackmail offense
Michigan	Mich. Comp. Laws Ann. §§750 117 -118 Classification: bribery and corruption Maximum Penalty: $5,000 fine; 10 years in prison (felony) (paassed, 1905)	Mich. Comp. Laws Ann. § 750 125 Classification: bribery & corruption Maximum Penalty: $500 fine; 1 year in jail (misdemeanor) (passed, 1921)	Mich. Comp. Laws Ann. § 750.124 Classification: bribery and corruption Penalty: felony (passed, 1931)	Mich. Comp. Laws Ann. § 750-213, 214 Classification: extortion Maximum Penalty: $10,000 fine: 20 years in prison (felony)	No separate blackmail statute, but §750. 214 applies to a public official only (passed 1931)

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Minnesota	Minn. Stat. Ann. 609.42 (West) Classification: crime affecting public officer or employee Penalty: $10,000 fine; 10 years, or both; forfeiture of office, disqualification from office	NONE	Minn. Stat. Ann. 609.825 (West) Classification: miscellaneous crimes Penalty: $5,000 fine; 5 years in prison, or both (passed 1947)	Minn. Stat. Ann, 609.27 (West) Classification: crimes of compulsion Penalty: variable	No separate blackmail offense
Mississipi	Miss. Code. Ann. § 97-11-11, Classification: offenses by public official Maximum Penalty: $1,000 fine; 10 years in prison (11); $5,000 fine; 10 years in prison; forfeit; disqualification (13) (passed 1857)	NONE, except §97-11-11 reaches private trustees.	Miss. Code Ann. § 97-29-18 Classifications: crimes against public morals Penalty: 6 months to 5 years in pri. $100 to $1,000 fine; or both (1954)	Miss. Code Ann, § 97-11-33 Classification: offenses by Public officials Penalty: $300 fine; 3 months in jail; removal from office (see also § 97-19-13)	Miss, Code Ann. § 97-3-81 Class: against the person Penalty: 5 years in prison

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Missouri	Mo. Ann. State § 576. 010, 020 (Vernon) Classification: offense affecting government Penalty: D felony	Mo. Ann Stat. § 570. 150 (Vernon) Classification: stealing and related offenses Penalty: class A misdemeanor (new)	Mo. Ann. Stat. § 570 155 (Vernon) Classification: stealing and related offenses Penalty: felony; 10 years; $10,000 (1921)	Mo. Ann. Stat. § 570.010 (4) 030 (Vernon) Classification: stealing etc. Penalty: variable	No separate blackmail offense
Montana	Mont. Rev. Codes Ann. §45-7-101 Classification: offense against public administration Penalty: 10 years; disqualification from office	NONE	Mont. Rev. Codes Ann. § 45-8-24 Classification: offense against public order Penalty: max. $5,00 fine; 10 years in prison, or both (post - 1961)	Mont. Rev. Codes Ann. § 45-5-203 Classification: offense against the person Max. Penalty: 10 years (see also § 45-8-213)	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORT BRIBERY	EXTORTION	BLACKMAIL
Nebraska	Neb. Rev. Stat. §28-917 (supp. 1978) Classification: offense involving integrity of government Penalty: class IV felony	Neb. Rev. Stat. § 28-613 (Supp. 1978) Classification: offenses involing fraud Penalty: class I misdemeanor (Neb. had a Comm. bribery law in 1907)	Neb. Rev. Stat. §28-614 (Supp. 1978) Classification: offenses involving fraud Penalty: class II misdemeanor (Neb. passed a sp. bribery law in 1947)	Neb. Rev. Stat. § 28-513 (Supp. 1978) Classification: offenses gainst properly Penalty: variable	No separate blackmail offense
Nevada	Nev. Rev. Stat. §§ 197.010, 020, 030 199.010, 020, 030 Classification: crimes by and against the executive Power (197); crimes against public justice Penalty: $5,000 fine; 10 years in prison	NONE	Nev. Rev. Stat.§§ 207.290 Classification: miscellaneous crimes Penalty: felony; 1 to 6 years $5,000 fine; or both (passed, 1965)	Nev. Rev. Stat.§§ 205.320 Classification:crime against property Penalty: 1 to 10 years; $5,000 fine, or both	Note that Nev. has a statute on extortion by a public officer (§197.170) and on extortion via letters (§ 207.180)

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
New Hamphire	N.H. Rev. Stat. Ann § 640:2 Classification: corrupt practices Penalty: class B felony	N.H. Rev. Stat. Ann. §638:7 Classification: fraud Penalty: misdemeanor (1971)	N.H. Rev. Stat. Ann § 638:8 Classification: fraud Penalty: class B felony (1971)	N.H. Rev. Stat. Ann § 637:1,5 Classification: theft Penalty: variable	No separate blackmail statute
New Jersey	N.J. Stat. Ann. §2C:27-2 (West) Classification: offense against public administration Penalty: variable	N.J. Stat. Ann. §2C:21-10 (West) Classification: forgery and fraudulent practices Penalty: variable (NEW)	N.J. Stat. Ann §2C:21-11(West) Classification: forgery and fraudulent practices Penalty: variable (N.J. had a sports bribery law 1945)	N.J. Stat. Ann. §2C:202 ,5 Classification: theft and related offenses Penalty: variable	No separate blackmail offense'

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
New Mexico	N.M. Stat. Ann. §40A-24-1,2 Classification: bribery Penalty: 3rd degree felony plus forfeit of office	NONE	N.M. Stat. Ann §40A-19-13 Classification: gambling Penalty: 4th degree felony (1963)	N.M. Stat. Ann. §40A-16-8 Classification: larceny Penalty: 3rd degree felony	No separate blackmail offense
New York	N.Y. Penal. Law § 200.00, .04, .10, (McKinney) Classification: offenses against public administration Penalty: class D felony (in most cases)	N.Y. Penal. Law §180.00, .03, 05, 08, (McKinney) Classification: offenses involving fraud Penalty: misdemeanor (1905)	N.Y. Penal Law §180.35, .40 (McKinney) Classification: offenses involving fraud Penalty: class D felony (1921)	N,Y. Penal Law §155.05 (e) Classification: offenses involving theft Penalty: variable	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
North Carolina	N.C. Gen. Stat. §14-217, 218, 219 Classification: offenses against public justice Penalty: felony, variable punishment depending on status of felony	N.C. Gen. Stat. §14-353 Classification: general police regulations Penalty: misdemeanor, $500 fine; 6 months in jail, or both (1913)	N.C. Gen. Stat. §14-373, 374, 376, 377 Classification: general police regulations Penalty: felony; 1 to 10 years variable fine; (See also § 14-380.1) (1921)	N.C. Gen. Stat. §14-118.4 Classification: frauds Penalty: felony NOTE: North Carolina does Not distinguish between extortion and blackmail on the basis of the perpetrator	N.C. Gen. Stat. §14-118 Classification: frauds Penalty: misdemeanor
North Dakota	N.D. Cent. Code §12.1-12-01 Classification: bribery, unlawful influence of public servants Penalty: class C felony	N.D. Cent. Code §12.1-12-08 Classification: bribery unlawful influence of public bribery Penalty: Class C felony (1973)	N.D. Cent. Code §12.1-12-07 Classification: bribery unlawful influence of public bribery Penalty: Class C felony (1973)	N,D. Cent. Code §12.1-23-01, 902 (2) Classification: theft Penalty: variable	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
OHIO	Ohio Rev. Code Ann. §2921.02 (page) Classification: offenses against justice and public administration Penalty: 3rd degree felony and disqualification from office	NONE	Ohio Rev. Code Ann. §2915. 06 (Page) Classification: gambling Penalty: 4th degree felony	Ohio Rev. Code Ann. §2905.11 Classification: Kidnapping and Extortion Penalty: 3rd degree felony	No separate blackmail offense
Oklahoma	Okla. Stat. Ann. tit. 21 §381, 382 (West) Classification: crime against public justice Penalty: Bribery-5 years or $3,000 fine and 2 years, Bribed official 10 years or $5,000 fine and 1 year plus forfeit and disqualification	NONE	Okla Stat. Ann. tit. 21, § 399, 400 Classification: crimes against public justice Penalty: 5 years or $3,000 and 1 year in prison or $3,000 and 1 year in jail for bribed person (1947)	Okla Stat. Ann tit. 21 §§1481-4 Classification: crime against property Penalty; up to 5 years NOTE: § 1484, refers to extortion by a public official	Okla Stat, Ann. tit. 21 § 1488 Classificatio crime against property Penalty: 5 years $10,000 or both

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Oregon	Or. Rev. Stat. § 162.015, .025 Classification: offense against state and public justice Penalty: Class B felony	NONE	Or. Rev. Stat. §165.085, 090 Classification: fraud and deception Penalty: class C felony (1971)	Or. Rev. Stat. §164.075 Classification: offense against property Penalty: class B felony	No separate blackmail offense
Penn-sylvania	18 Pa. Cons. Stat. Ann. §4701 (Purdon) Classification: Public Administration crime Penalty: 3rd degree felony	18 Pa. Const Stat. Ann. §4108 (Purdon) Classification: forgery and fraud Penalty: 2nd degree misde-meanor (Pa. has had a comm. bribery state since 1969)	18 Pa. Cons. Stat. Ann. §4109 (Purdon) Classification: forgery and fraud Penalty; 1st degree misdemeanot (Pa. has had a sports bribery state since 1939)	18 Pa. Cons. Stat. Ann. §3923 (Purdon) Classification: theft and related offenses Penalty: variable	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Rhode Island	RI. Gen. Laws §11-7-3,4 Classification: bribery Penalty: misdemeanor 1 year or $1,000 fine; (Note that bribery of a juror is punishable by a 7 year term)	RI. Gen. Laws §11-7-3, 4 Classification: bribery Penalty: misdemeanor-1 year or $1,000 (1881)	RI. Gen. Laws §11-7-9 Classification: bribery Penalty: $1,000 fine; or 2 years or both (1950)	RI. Gen. Laws §11-42-1 Classification: threats and extortion Penalty: 1 year or $1,000.00	RI. Gen. Laws §11-42-2 Classification: threats and extortion Penalty: 15 years or $5,000 or both
South Carolina	S.C. Code §16-9-210, 220 Classification: offenses against public justice Penalty: 5 years at hard labor or $3,000 fine and 1 year in jail (briber); 10 years hard labor or $5,000 fine and 2 years in jail (bribed)	S.C. Code §16-17-540 Classification: offense against public policy Penalty: $500 fine or 1 year or both (1905)	S.C. Code §16-17-550 Classification; offense against public policy Penalty: $10,000 or 10 years or both (1962)	S.C. Code §16-17-640 Classification: offenses against public policy Penalty; 10 years $5,000 or both	No separate offense

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
South Dakota	S.D. Complied Laws Ann. §§ 22-12A-4,5,6,7 Classification: Improperities and bribery in public office Penalty: class 4 felony- plus disqualification in some circumstances	NONE	NONE	S.D. Complied Laws Ann. §§22-30A-4 Classification: theft Penalty: variable. (See also §§22-12A 8,9	No separate blackmail offense
Tennessee	Tenn. Code Ann §§ 39-801-802 Classification: bribery, embracery, etc. Penalty: bribery--2 to 20 years; bribed --3 to 21 years plus disqualification	NONE (But see §§39-821, 822 the bribery of the agent of of common carrier) misdemeanor (1909)	Tenn. Code Ann. §§ 39-824 Classification: bribery, embracery, etc. Penalty: 1 to 5 years, $10,000 fine (1921)	Tenn. Code Ann §§ 4301 Classification: threats and extortion Penalty: 2-5 years	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Texas	Tx. Penal. Code tit. 8, §36.02 (Vernon) Classification: offense against public administration Penalty: 3rd degree felony (briber); 2nd degree felony plus forfeit or office (bribed)	Tex. Penal Code. tit. 7, § 32.43 (Vernon) Classification: fraud Penalty: 3rd degree felony (NEW)	Tex. Penal Code tit. 7, § 32.44, . (Vernon) Classification: theft Penalty: 3rd dgree felony (Texas has had a sports bribery law since 1947)	Tex, Penal Code. tit.,7 § 31.01, .02, 03. (Vernon) Classification: theft Penalty: variable	No separate blackmail offense
Utah	Utah Code Ann. § 76-8-103,105 Classification: offense against government Penalty: 3rd degree felony (briber) class B misdemeanor (bribal)	Utah Code Ann. § 76-6-508 Classification; offense against property Penalty: class B misdemeanor (1973)	Utah Code Ann. §76-6-514 Classification: offense against property Penalty: 3rd degree felony (1973)	Utah Code Ann. § 76-6-406 Classification: offense against property Penalty: variable	No separate blackmail offense

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Vermont	Vt. Stat. Ann. tit. 13, §§ 1101, 1102, Classification: bribery Penalty: 5 years or $300.00 (briber) 10 years or $1,000 plus forfeit and disqualification (bribal)	Vt. Stat. Ann. tit. 13 § 1106 Classification: bribery Penalty: 1 year or $100 to $1,000 fine or both (1904)	NONE	VT. Stat. Ann. tit. 13 § 1701 Classification: extortion and threats Penalty: three years or $500	No separate blackmail statute
Virginia	Va. Code § 18.2-438, 439 Classification: crimes against the administration of justice Penalty: class 4 felony (plus forfeit and disqualification bribed official)	Va. Code § 18.2-444 Classification: crimes against the administration of justice Penalty: class 3 misdemeanor (NEW) ?	Va. Code § 18.2-442, 443 Classification: crimes against the administration of justice Penalty: class 5 felony (1960)	Va. Code § 18.2-470, § 18.2-59 Classification: 470 -- crimes against the adminstration of justice 59--crimes against the person Penalty: 470-- class 4 misdemeanor 59- class 5 felony	No separate offense

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Washington	Wash. Rev. Code. Ann. § 9A.68 Classification: Bribery and corrupt influence Penalty: class B felony	Wash. Rev. Code Ann. §49.44.060 Classification: Labor regulation Penalty: Gross misdemeanor	Wash. Rev. Code Ann. § 67.04 010, .020 Classification: athletics, sports and entertainment Penalty: gross misdemeanor (1921)	Wash. Rev. Code Ann. §9A.56.110, .120,.130 Classification: theft and robbery Penalty: variable	No separate blackmail offense
West Virginia	W.Va. Code § 61-5A-3 Classification: bribery and corrupt practices Penalty: 1-10 years for an individual; $50,000 fine for a corporation; individuals are also disqualified from office	NONE	W.Va. Code § 61-10-22 Classification: crimes against public policy Penalty; felony--1 to 3 years or $1,000 or both (1945)	W.Va. Code § 61-2-13 Classification: crimes against the person Penalty; misdemeanor --2 to 12 months and $50 to $500 fine	No separate blackmail statute

STATE	BRIBERY OF PUBLIC OFFICIAL	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Wisconsin	Wis. Stat. Ann. § 946.10 Classification: crimes against government and its administration Penalty: class D felony	Wis. Stat. Ann. § 134.05 Classification: miscellaneous trade regulations Penalty: $10.00 to $500 fine or fine and imprisonment for up to 1 year (1905)	Wis. Stat. Ann. § 945.08 Classification: gambling Penalty: class D felony for bribery; class A misdemeanor for bribed	Wis. Stat. Ann. § 943.30., .31 Classification: crimes against properly Penalty: $2,000 fine or 5years or both (.30) $1,000 fine or 1 year or both (.31)	No separate blackmail statute
Wyoming	Wyo. Stat. § 6-8-201 Classification: offense against public justice Penalty: up to 14 years in penitentiary	NONE	Wyo. Stat. § 6-9-302 Classification: offenses against public policy Penalty: 1 to 5 years or $5,000 fine or both (1963)	Wyo. Stat. 6-8-510 Classification: offenses against public justice Penalty: $10.00 to $500.00 fine and up to 6 months in jail and removal from office	Wyo. Stat. 6-7-601 Classification offenses against public peace Penalty: up to 5 years

STATE	BRIBERY OF PUBLIC OFFICIALS	COMMERCIAL BRIBERY	SPORTS BRIBERY	EXTORTION	BLACKMAIL
Model Penal Code	§ 240.1 Classification: offenses against public administration Penalty: 3rd degree felony	§ 224-8 Classification: forgery and fraudulent practices Penalty: misdemeanor	§ 223.9 Classification: forgery and fraudulent practices Penalty: variable	§ 223.4 Classification: theft and related offenses Penalty: variable	No separate blackmail offense